

MINUTE ITEM

7/12/66

51. AUTHORIZATION FOR THE ATTORNEY GENERAL TO ENTER INTO STIPULATION SETTLING LAWSUIT, AND TO THE EXECUTIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS CONNECTED THEREWITH, IN THE CASE OF PEOPLE OF THE STATE OF CALIFORNIA VS. JOHN A. PETERSON, MOE SAND COMPANY, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NUMBER 358751 - W.O. 2875.34.

After consideration of Supplemental Calendar Item 50 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION FINDS THAT THE REASONABLE VALUE OF THE SAND TAKEN BY JOHN A. PETERSON, MOE SAND COMPANY, ET AL., IS \$36,500.60 AND AUTHORIZES THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION FOR JUDGMENT FULLY SETTLING THE PENDING LAWSUIT FOR THE SUM OF \$36,500.60, PAYABLE AS STATED ABOVE, AND CONTAINING SUCH OTHER AND FURTHER TERMS AS THE ATTORNEY GENERAL MAY DEEM APPROPRIATE TO PROTECT THE STATE'S INTEREST, AND THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER AND ATTORNEY GENERAL TO EXECUTE ALL DOCUMENTS REQUIRED TO SETTLE SAID LAWSUIT.

Attachment

Supplemental Calendar Item 50 (1 page)

50.

AUTHORIZATION FOR THE ATTORNEY GENERAL TO ENTER INTO STIPULATION SETTLING LAWSUIT, AND TO THE EXECUTIVE OFFICER TO EXECUTE ALL NECESSARY DOCUMENTS CONNECTED THEREWITH, IN THE CASE OF PEOPLE OF THE STATE OF CALIFORNIA VS. JOHN A. PETERSON, MOE SAND COMPANY, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NUMBER 358751 - W.O. 2875.34.

The State Lands Commission has pending in the Alameda County Superior Court the case of The People of the State of California vs. John A. Peterson, Moe Sand Company, et al., Case Number 358751, for the purpose of preventing the further unauthorized taking of sand from San Francisco Bay, and obtaining an accounting for sand taken without a permit. The staff has checked the defendants' records and has determined from its estimates and the best information available the quantities of sand that were removed without authorization.

To preclude extensive litigation and to serve the best interests of the parties, defendants have offered to enter into a stipulated judgment by which they will pay to the State the reasonable royalty value of the sand taken without a permit, which is found to be the sum of \$36,500.60, payable as follows:

- a) Twelve Thousand Two Hundred and No/100 Dollars (\$12,200.00) within five (5) days after entry of judgment;
- b) The balance of Twenty-four Thousand Three Hundred and 60/100 Dollars (\$24,300.60) in five (5) equal annual installments of Four Thousand Eight Hundred Sixty and 12/100 Dollars (\$4,860.12) each, commencing January 1, 1967, and ending January 1, 1971. Said balance shall bear interest at seven per cent (7%) per annum on the unpaid principal commencing on the date of entry of judgment. Interest payments shall be made annually on the same date that principal payments are made. Defendants shall have the right to pay all of said principal balance plus accrued interest at any time during said five-(5) year period.

IT IS RECOMMENDED THAT THE COMMISSION FIND THAT THE REASONABLE VALUE OF THE SAND TAKEN BY JOHN A. PETERSON, MOE SAND COMPANY, ET AL., IS \$36,500.60 AND AUTHORIZE THE ATTORNEY GENERAL TO ENTER INTO A STIPULATION FOR JUDGMENT FULLY SETTLING THE PENDING LAWSUIT FOR THE SUM OF \$36,500.60, PAYABLE AS STATED ABOVE, AND CONTAINING SUCH OTHER AND FURTHER TERMS AS THE ATTORNEY GENERAL MAY DEEM APPROPRIATE TO PROTECT THE STATE'S INTEREST, AND THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER AND ATTORNEY GENERAL TO EXECUTE ALL DOCUMENTS REQUIRED TO SETTLE SAID LAWSUIT.